

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

THE CAMPAIGN FOR BUFFALO HISTORY,
ARCHITECTURE & CULTURE, INC.,

Petitioner,

vs.

BUFFALO AND FORT ERIE PUBLIC BRIDGE
AUTHORITY,

Respondent.

Civil Action No: _____

New York State Supreme Court
Erie County Index No.: I2012-1976

Certified Record of Proceedings

Part 1

PBA-Owned Properties Along Busti Avenue Now Available for Relocation

February 27, 2012

BUFFALO, NY/FORT ERIE, ON – The Buffalo and Fort Erie Public Bridge Authority (PBA) is proceeding with longstanding plans to demolish seven PBA-owned vacant homes on Busti Avenue between Vermont Avenue and Rhode Island Street, in the City of Buffalo. Prior to initiating this demolition work, the Authority is providing an opportunity for interested groups and individuals to acquire and relocate these houses free of charge, subject to paying all removal costs.

Parties interested in relocating any structure(s) should submit a written proposal to the Authority by 3:00 p.m. (EST) on Thursday, April 26, 2012.

Proposals must include the following:

- Acknowledgement that the relocating party/individual is responsible for all costs associated with the relocation.
- Agreement to indemnify and hold harmless the PBA.
- An insurance policy, adding the PBA as an additional insured and providing \$5 million in liability coverage.
- Assuming responsibility for all permits and approvals that may be required.
- Commitment to remove the house(s) from the property area by June 29, 2012.
- \$10,000 refundable performance deposit for each structure (which will be returned upon the successful removal of the house(s) and reinstatement of the property to a level condition).

Click here (part 1 & part 2) to view the "Structural Condition Inspection and Site Analysis" for 757, 765, 771, 777, 783, 791, and 793 Busti Avenue as of March 26, 2009. The PBA makes no representations as to the current condition of the structures and notes all are being offered "as is."

Limited viewing access is available for the structures and can be coordinated through Authority staff. All viewings require written liability waiver authorization and the presence of a PBA employee.

The Buffalo and Fort Erie Public Bridge Authority, a binational authority, has owned and operated the Peace Bridge since 1933. The bridge, which was opened to traffic in 1927, spans the Niagara River between Fort Erie, Ontario, and Buffalo, New York, and is a key international border crossing.

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Structural Condition Inspection and Site Analysis of:

757, 765, 771, 777, 783, 791, & 793 Busti Avenue, Buffalo New York

Prepared For:

**The Buffalo and Fort Erie Public Bridge Authority
Peace Bridge Plaza
Buffalo, New York 14213**

Prepared By:

**CHA
2200 Main Place Tower
Buffalo, New York, 14202**

March 26, 2009

PBA000002

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Structural Condition Inspection of the
Properties located on Busti Avenue

General

A visual inspection and general structural condition evaluation was performed for several properties located at 757, 765, 771, 777, 783, 791, and 793 Busti Avenue. Photographs for each property are in this report. The intent is to use the condition assessment to establish a repair/demolition strategy, if necessary, for the structures stated above.

Scope of Inspection

This inspection only identifies and evaluates any visible deterioration, or deficiencies, of each structural support system for each property described. It is assumed the properties will remain uninhabited and are ultimately slated to be demolished. Each structural assessment performed was for collapse prevention under present load conditions. No opinion is offered as to the economic justification for any of the suggested course of action.

The visual inspection for each property is limited to all features that are accessible by "non-destructive" means. The structural systems could only be inspected where floor, ceiling, or wall coverings are not present, or if significant support member distress is visually noticeable by wall, ceiling, or floor cracking or separation. This inspection does not address, or assess, the condition of any heating and cooling, electrical, plumbing, sewer, or storm systems.

757 Busti Avenue:

Background

This building was built circa 1900 and is a 1,473 square foot 2-story single family dwelling with a single story wing to the north. Shown in Photographs 757-1 through 757-4 below are elevation views of the building



Photograph 757-1: West Elevation



Photograph 757-2: South Elevation



Photograph 757-3: North Elevation



Photograph 757-4: East Elevation

Roof System

This building consists of two separate roof lines. The 2-story portion of the building consists of a gable roof oriented east-to-west. The single story portion of the building consists of a gable roof oriented north-to-south. On the west side of the single story wing are two gabled windows and a flatted section of the roof. The roofing on the two gabled roofs consists of three tab asphalt shingles. The shingles are in poor condition with several noticeable areas of cracked, deteriorated, or missing shingles on the north and south sides of the main building as shown in photographs 757-2 and 757-5. There is evidence of water leaking into the building on the west side of the north wing where it adjoins to the main building as shown in photograph 757-6. The flat section of the roof located west of the north wing is missing all the roofing material and the roof deck is rotted. Photograph 757-7 and 757-8 below shows the flat roof, the missing roofing material and the rotted roof deck.



Photograph 757-5: North face of main roof



Photograph 757-6: North West side of roof at leak



Photograph 757-7: Flatted section of roof to the west of the north wing gable roof



Photograph 757-8: Flatted section of roof to the west of the north wing gable roof

Attic and Ceiling Joists

The attic areaway is finished and constitutes the second story of both the main building and the north wing. Both are constructed of rough sawn 2x4 stud walls covered with a lath and plaster wall and ceiling finish throughout both spaces. There is carpet on the second floor of the main structure only. The plaster has cracked and peeling paint is noticeable on both the walls and the ceilings. There are signs of a roof

leak in the closet of the southwest bedroom on the second floor of the main building. Many of the finished floor boards in the second story under the carpet of the main building have buckled.

Interior Walls, Ceilings, and Floor Finish

The interior walls of the entire first story area are a combination of 2x4 stud and brick bearing wall construction covered with a lath and plaster wall and ceiling finish. There is a combination of carpet, linoleum and hardwood flooring through out this space. The plaster throughout the first floor has either cracked, or has fallen down, and there are several noticeable areas of peeling paint or wall paper. The ceiling in the northeast corner of the north wing has caved in and there is water damage noticeable on the adjacent wall and floor. It was not possible to inspect the adjacent bearing wall for structural damage or deterioration.

Exterior Doors and Windows

The exterior doors and windows were visually inspected for weather tightness. The condition of all the windows is shown in Drawing S-757.

Foundation Walls and Floor Joists

The foundation walls are constructed of stone with mortar. The walls are in good condition with no structural defects visible. The floor joists are rough sawn lumber approximately 10 inches deep by 2 $\frac{3}{4}$ inches wide, spaced every 16 inches on center and support a solid wood planking subfloor. The floor joists and wood planking subfloor appear to be in good condition with no major structural defects visible.

Miscellaneous Items

The exterior siding consists of brick veneer on the west side of the building, vinyl siding on the north, and east sides of the building and stucco on the south side of the building. There are no visible deficiencies visible in the exterior siding.

The bulkhead door, which provides exterior access to the basement, is deteriorated as shown in photograph 757-9. There are visible signs that water is leaking through this opening into the basement below.

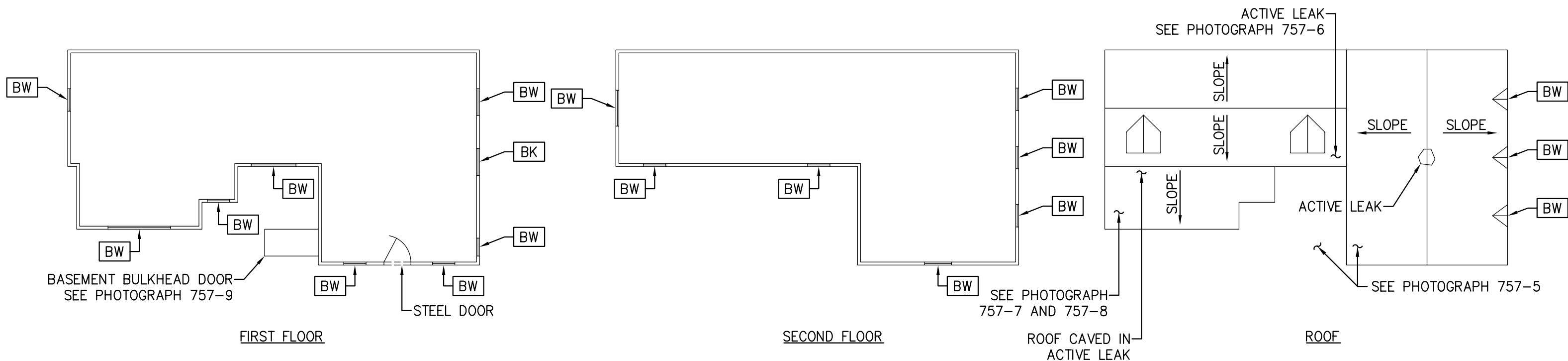


Photograph 757-9: Exterior basement entrance

Recommendations

The overall structural assessment of this building is unsatisfactory and the building should be demolished. If this building is not demolished, the deteriorated roof, and possibly the structural support wall, near the active water leak in the north wing must be repaired to avoid future structural collapse. The roofing over

the entire structure should be replaced to prevent water from leaking into the interior space and further deteriorating the structure. The decking to the flatted roof of the section west of the north wing should be replaced to prevent roof collapse. To keep the foundation stable, all basement openings, especially the exterior basement entrance door, should be resealed to minimize any further water infiltration into the basement. All broken windows should be boarded up to further prevent moisture infiltration in the interior building space.



WINDOW CONDITION LEGEND	
<input type="checkbox"/> BK	BROKEN WINDOW
<input type="checkbox"/> BW	BOARDED WINDOW
<input type="checkbox"/> SA	SATISFACTORY WINDOW

 1 757 BUSTI AVENUE
 NORTH SCALE: 3/32"=1'-0"

S-757

PEACE BRIDGE AUTHORITY HOME INSPECTIONS
 757 Busti Avenue, Buffalo NY 14213

Date: 01-08-2008 Project No.: 19554
 Scale: AS NOTED Reference No.: N/A


 CLOUGH HARBOUR & ASSOCIATES LLP

PBA000009

765 Busti Avenue:

Background

This building is a 4,464 square foot 2-story multi-family duplex built in 1988. It has single car attached garages on both the north and south sides of the main building. Each garage has direct access into each residence. Shown in Photographs 765-1 through 765-4 below are elevation views of the building.



Photograph 765-1: West elevation of duplex #1



Photograph 765-2: West elevation of duplex #2



Photograph 765-3: East elevation of duplex #1



Photograph 765-4: East elevation of duplex #2

Roof System

The main 2-story building consists of a gable roof oriented north-to-south, with a similar roof line and pitch over the single story garages. Multiple gables extend from the main roof to the west to reveal windows and architectural overhangs. The roofing material on all roof faces consists of three tab asphalt shingles. The shingles on the main roof of the building are in poor condition and are starting to deteriorate. The shingles over both garages are also in poor condition with several areas of cracked and deteriorated lapped tabs. The condition of the roofing on both roof levels are shown in photographs 765-5 through 765-10 below.



Photograph 765-5: West Face of Upper Roof



Photograph 765-6: West elevation of duplex #2



Photograph 765-7: East face of lower roof of duplex #2



Photograph 765-8: West face of upper roof at valley



Photograph 765-9: East face of lower roof of duplex #1



Photograph 765-10: West elevation of duplex #1

Attic and Ceiling Joists

The attic area for each duplex is unfinished and visible are the nominal sawn 2x8 roof rafters, placed every 16 inches on center, which support a wood oriented strand board (OSB) roof decking. There are no visible signs of water leaking into this space and both the rafters and the sheathing are in good condition.

The second story ceiling joists for each duplex are sawn nominal 2x8's placed every 16 inches on center. The ceiling joists in the attic area are not topped with any wood planking and visible is the rolled fiberglass insulation between each joist. The ceiling joists are in good condition and there are no visible signs of water leaking into the space below.

Interior Walls, Ceilings, and Floor Finish

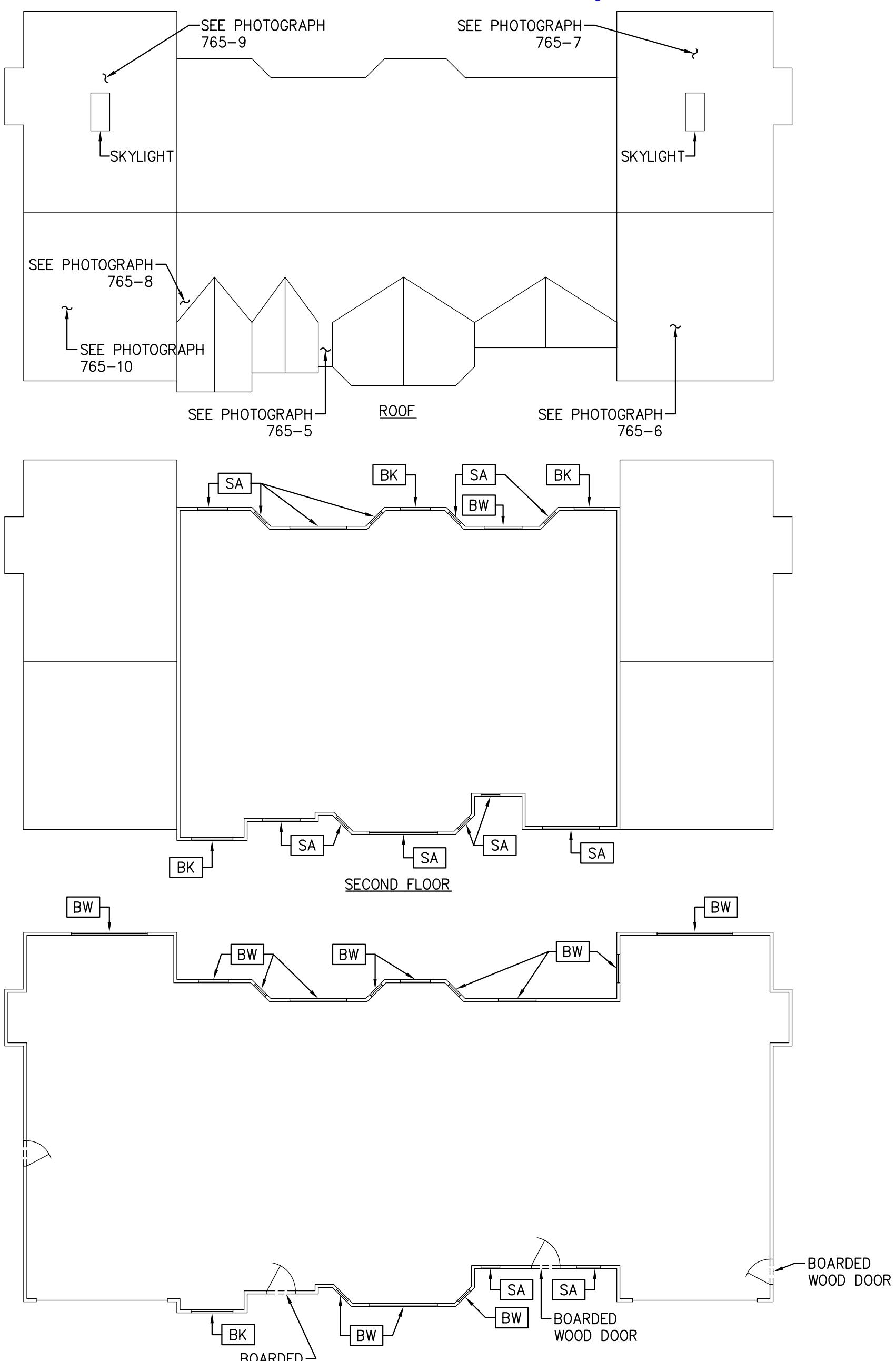
The first floor interior space is constructed of nominal sawn 2x4 stud walls covered with a drywall ceiling and wall finish. The floor finish is a combination of carpet, linoleum, and ceramic tile. There are no visible signs of water leaking into this space.

Exterior Doors and Windows

The exterior doors and windows were visually inspected for weather tightness. The condition of all the windows is shown in Drawing S-765.

Foundation Walls and Floor Joists

The foundation walls for each duplex are poured concrete wall construction. There are nominal 2x12 floor joists at 16 inches on center that span from the walls to triple 2x12 center support beams and support an OSB wood subfloor. The center beams are supported by lally columns and at there ends by the foundation walls. There are no visual deficiencies in the foundation walls, support beams, floor joists, or the wood subfloor. There is, however, standing water in the basement of both apartments. If left in place, the elevated levels of moisture in the basement will yield mold and mildew on the underside of the wood subfloor and on floor support framing. This will weaken the entire floor system and eventually cause it to either buckle or sag.



WINDOW CONDITION LEGEND	
BK	BROKEN WINDOW
BW	BOARDED WINDOW
SA	SATISFACTORY WINDOW

BOARDED
WOOD DOOR FIRST FLOOR

A compass rose icon with the word "NORTH" below it.

1

765 BUSTI AVENUE

SCALE: 3/32"=1'-0"

 NORTH

S-765

PEACE BRIDGE AUTHORITY HOME INSPECTIONS

765 Busti Avenue, Buffalo NY 14213

Date: 01-08-2008

Project No.: 19554

Scale: AS NOTED

Reference No.: N/A

CH&A
CLOUGH HARBOUR & ASSOCIATES LLP

PBA000013

Miscellaneous Items

The exterior siding consists of vinyl siding on the north, south and east sides of the building. On the west face of the entire structure is a combination of brick and wood siding. There are no visible deficiencies noticed in the vinyl, brick veneer or wood siding.

Recommendations

The overall structural assessment of this building is that it is in stable condition. The roof shingles should be replaced to prevent any water from leaking into the interior space that would deteriorate the structure below. The water in the basement should be removed to prevent mold and damage to the first story floor framing system. All broken windows should be boarded up to prevent further moisture infiltration into the interior building space.

771 Busti Avenue:

Background

This building is a 5,356 square foot multi-family 3-story Italianate structure built circa 1865. It has a 2-story wing to the south and a 1½ story wing to the east accompanied by a rear 1-story pantry. The building was abandoned and has remained vacant since 1988. Shown in Photographs 771-1 through 771-4 below are elevation views of the building.



Photograph 771-1: West Elevation



Photograph 771-2: East Elevation and back pantry



Photograph 771-3: Southwest Elevation



Photograph 771-4: Southeast Elevation

*Note: North elevation was not photographed due to the close proximity of 775 Busti Avenue.

Roof System

The roof of the main structure is a modified hip with a flattened section at the very top. The south wing is a half hip and the east wing is a gable roof oriented east-to-west. There are flat roofs over the back pantry and rear stairway and consequently both flat roofs have collapsed into the structure and are inaccessible for inspection. The remaining roofs could not be safely accessed for inspection based on the condition of the roof deck. The south wing, shown in photograph 771-6 below, has signs of sagging roof framing likely due to moisture infiltrating through the deteriorated roofing. Previous inspections of this property indicate the sloped portions of the roofs consist of three tab asphalt shingles which transition to 90 lb mineral coated roll roofing over the cornice area and flat areas. All the roofs that were stable are now in very poor condition as shown in photographs 771-5 through 771-8 below.



Photograph 771-5: South face of main modified hip roof



Photograph 771-6: South face of the east wing gabled roof



Photograph 771-7: South face of south wing half hip roof



Photograph 771-8: Collapsed flattened roof over the rear pantry

Attic and Ceiling Joists

The attic areaway could not be safely accessible, therefore, no inspection was performed of the roof rafters, sheathing or ceiling joists.

Interior Walls, Ceilings, and Floor Finish

The interior walls consist of rough sawn 2x4 stud construction with a lath and plaster wall and ceiling finish. The finish floors are a combination of carpet, linoleum and finish hardwood. There continues to be deficiencies in the plaster from water infiltration and damaging the plaster covering throughout the interior of the building. Photographs 771-9 through 771-12 below show the various holes in the ceilings and roofs in the accessible rooms of the east wing. Shown in these photos are obvious signs of moisture infiltration and severely damaged structural framing.



Photograph 771-9



Photograph 771-10



Photograph 771-11



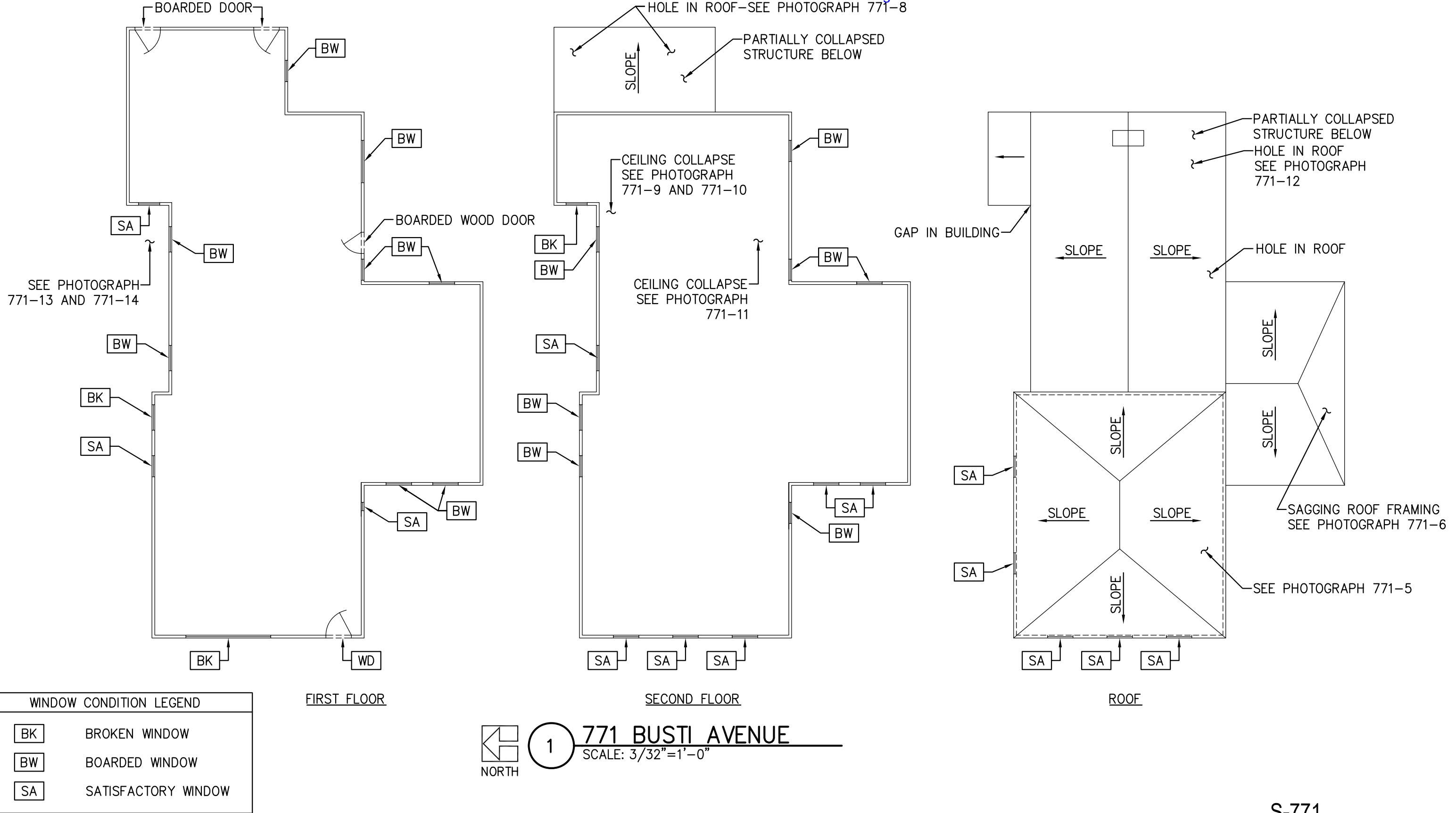
Photograph 771-12

Exterior Doors and Windows

The exterior doors and windows were visually inspected for weather tightness. The condition of all the windows is shown in Drawing S-771.

Foundation Walls and Floor Joists

The basement was not accessible therefore no inspection was performed of the foundation walls or floor joists.



PEACE BRIDGE AUTHORITY HOME INSPECTIONS
771 Busti Avenue, Buffalo NY 14213

Date: 01-08-2008 Project No.: 19554
Scale: AS NOTED Reference No.: N/A

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LOUGH HARBOUR & ASSOCIATES LLP

Miscellaneous Items

The northern extension of the east wing has shifted away from the main building approximately 1½ inches measured at an elevation 6 feet above the foundation wall as shown in photograph 771-13 and 771-14 below. It should be noted that in 1996 the top of this wall at the roof line only measured 2 inches away from the main building. A measurement of the gap between the two structures at the roof line, however, could not be safely taken; therefore an updated measurement at this location is not known. Overall, it appears the building is shifting northward away from the main structure and towards an adjacent building.



Photograph 771-13: Northern building extension of the east wing.



Photograph 771-14

Recommendations

The overall structural assessment of this entire building is unsatisfactory and the building should be demolished. Specifically, the east wing, the north extension to the east wing, and the back pantry should be demolished due immediate safety concerns. The main structure should be demolished because the roofs are in very poor condition and new bearing walls will be required to keep the structure stable and weather tight.

777 Busti Avenue:

Background

This building is a 2-story multi-family dwelling. Photographs 777-1 through 777-3 below show the elevation views of the building.



Photograph 777-1: West Elevation



Photograph 777-2: East Elevation



Photograph 777-3: South Elevation

*Note: North elevation was not photographed due to the close proximity of 783 Busti Avenue.

Roof System

This building consists of a gable roof oriented east-to-west with a gabled section oriented north-to-south. The entire roof area consists of rolled mineral roofing placed over three tab asphalt shingles as shown on photographs 777-3 and 777-4 below.



Photograph 777-3: - South side of roof



Photograph 777-4: - North side of roof

Attic and Ceiling Joists

The attic areaway is unfinished and visible are the rough sawn 2x6 roof rafters, placed every 24 inches on center, which support wood planking and cedar shake roof sheathing. There are no visible signs of leaking water into this space and both the rafters and sheathing are in good condition. Also visible in the attic areaway are two chimneys which are in satisfactory condition.

The second story ceiling joists are rough sawn 2x6's placed 16 inches on center. The ceiling joists in the attic area are topped with 1 inch by 4 inch tongue and groove wood planking. The ceiling joists and attic floor are in good condition and there are no visible signs of water leaking into the space below.

Interior Walls, Ceilings, and Floor Finish

The first floor interior space is constructed of rough sawn 2x4 stud walls covered with a drywall ceiling and wall finish. The finish flooring in this space is a combination of carpet and linoleum. There are several areas where peeling paint is noticeable on both the walls and the ceilings throughout the entire first floor area. Located in this space is a fireplace on the north interior wall of the building. The bricks inside the fire place have begun to deteriorate and many have fallen into the living space.

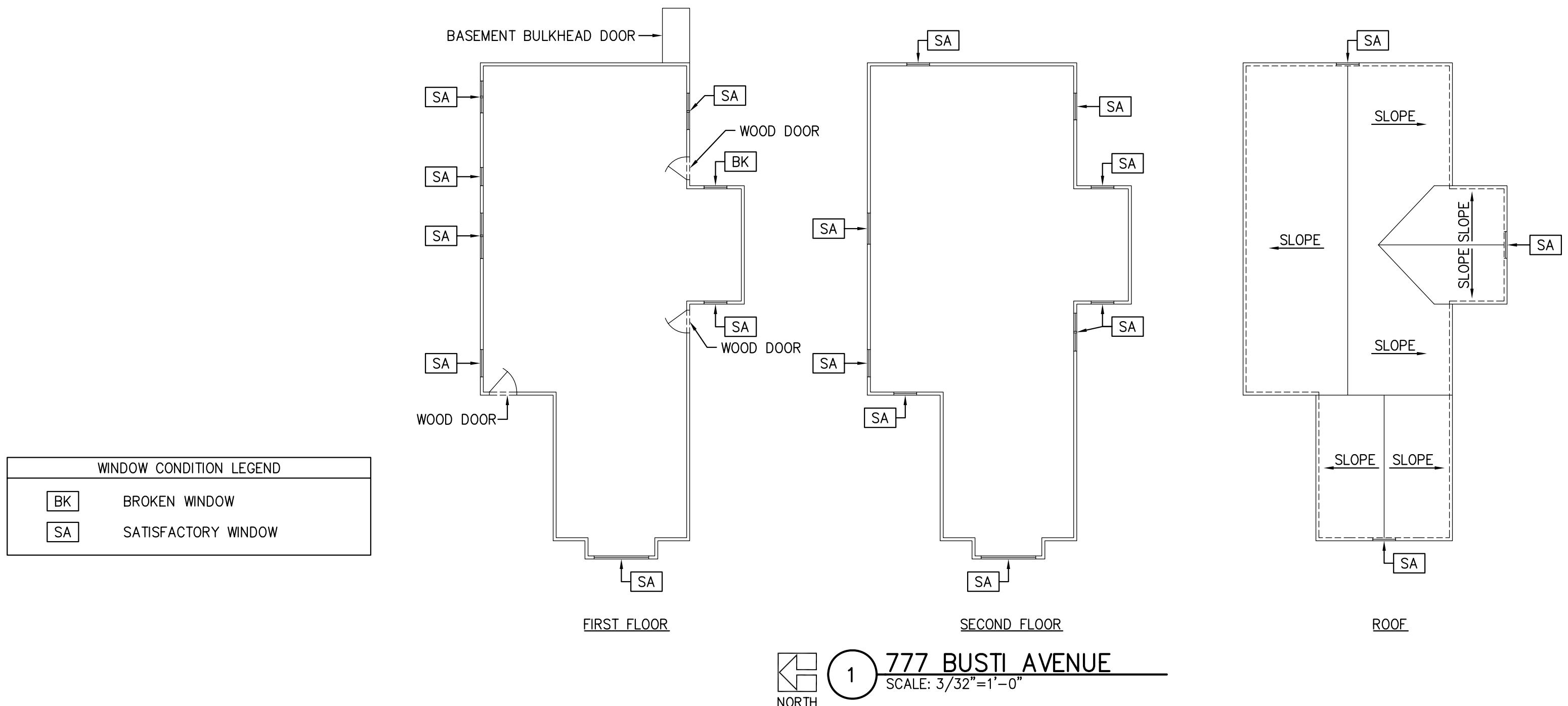
The second floor interior space is constructed of rough sawn 2x4 stud walls covered with a lath and plaster wall and ceiling finish. The finish flooring in this space is also a combination of carpet and linoleum. The wall and ceilings are in good condition with no visible signs of water damage. Also located in this space is a fireplace on the north interior wall of the building. The bricks inside the fire place have begun to deteriorate and many have fallen into the living space.

Exterior Doors and Windows

The exterior doors and windows were visually inspected for weather tightness. The condition of all the windows is shown in Drawing S-777.

Foundation Walls and Floor Joists

The foundation walls are constructed of stone with mortar and are parged on the inside with cement. Rough sawn 2x10 floor joists at 16 inches on center support a 1 inch by 4 inch wood planking subfloor



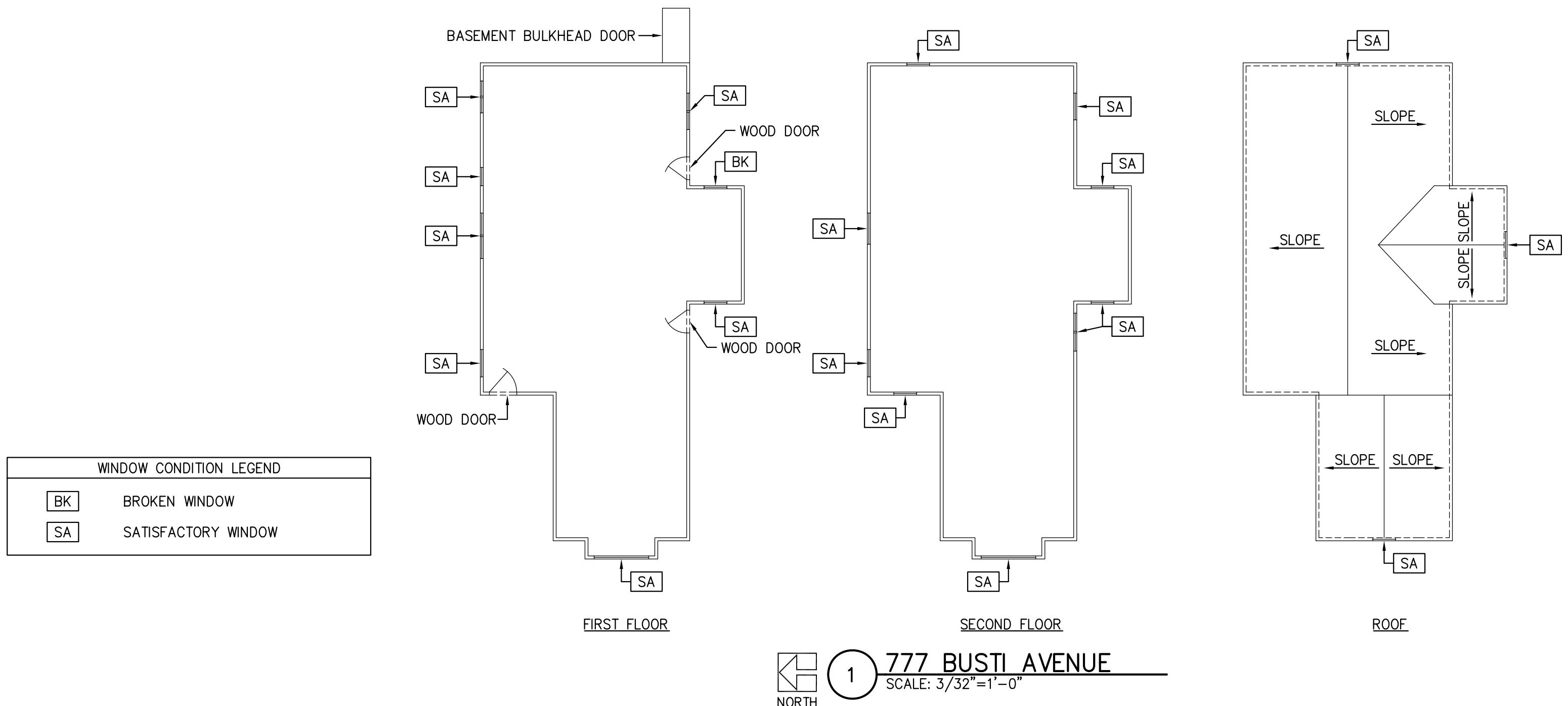
S-777

PEACE BRIDGE AUTHORITY HOME INSPECTIONS
778 Busti Avenue, Buffalo NY 14213

Date: 01-08-2008 Project No.: 19554
Scale: AS NOTED Reference No.: N/A

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PBA000022



S-777

PEACE BRIDGE AUTHORITY HOME INSPECTIONS
778 Busti Avenue, Buffalo NY 14213

Date: 01-08-2008 Project No.: 19554
Scale: AS NOTED Reference No.: N/A

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CLOUGH HARBOUR & ASSOCIATES LLP

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and span from the exterior foundation walls to interior 8 inch tall by 6 inch wide timber support beams. The center timber support beams are then supported by 12x12 inch masonry piers and by the east and west end foundation walls. There are windows in this space located on the north and south foundation walls and a bulkhead entrance at the east end of the building. The windows appear to be in good shape with no visible signs of water leaking into the basement. The bulkhead door is deteriorated, as shown in photograph 777-5, and there are visible signs that water is leaking through this opening into the basement below.

Miscellaneous Items

The exterior siding consists of weathered cedar clapboards with visible signs of wear and deterioration. Several areas of the siding are missing and the exterior sheathing is visible. The sill plate protection board has several areas of deteriorating wood, revealing the sill plate and sheathing as shown in photograph 777-6 below.



Photograph 777-5: Exterior basement entrance



Photograph 777-6: Deteriorated sill plate protection board

There is a front porch used to access the main entry way to the building. The deck of the porch is covered with plywood and has rotted. It is assumed the decking beneath the plywood topping is also rotted. Photographs 777-7 and 777-8 below show the covered porch and the deteriorating roof deck respectively.



Photograph 777-7: Covered porch



Photograph 777-8: Covered porch roof deck

Recommendations

The overall structural assessment of this building is it is in stable condition. The covered entrance roof framing should be replaced or demolished.

The rotted exterior siding should be replaced to prevent deterioration of the exterior support walls, sill plate, and to keep the walls structurally stable. To keep the foundation stable, all basement openings should be sealed, especially the basement bulkhead door, to minimize any further water infiltration into the basement and to prevent any foundation wall failure. All broken windows should be boarded up to prevent further moisture infiltration into the interior building space.

783 Busti Avenue:

Background

This building is a 2-story multi-family dwelling with a 1-story addition on the east end of the main structure. Photographs 783-1 through 783-4 below show the elevation views of the building.



Photograph 783-1: East Elevation



Photograph 783-2: West Elevation



Photograph 783-3: South Elevation



Photograph 783-4: North Elevation

Roof System

This building has a gable roof oriented east-to-west with two gabled sections extending from the north and south sides of the building. The single story portion of the building has a gable roof oriented also east-to-west. The roofing on the entire building consists of three tab asphalt shingles. The roof shingles are in good condition, however, there are several areas of the roof where single tabs have been sheared off and are missing.

Attic and Ceiling Joists

The attic area is unfinished and visible are rough sawn 2x6 roof rafters placed every 24 inches on center. The 2x6 rafters support the wood planking and cedar shake roof sheathing. There are no visible signs of leaking water into this space and both the rafters and sheathing are in good condition. Visible in the attic area are two chimneys which are in satisfactory condition.

The second story ceiling joists are rough sawn 2x6's placed every 16 inches on center. The ceiling joists in the attic area are topped with 1 inch by 4 inch tongue and groove wood planking. The ceiling joists and attic floor are in good condition and there are no visible signs of water leaking into the space below.

Interior Walls, Ceilings, and Floor Finish

The first and second floor interior space was not accessible; therefore, no inspection was performed.

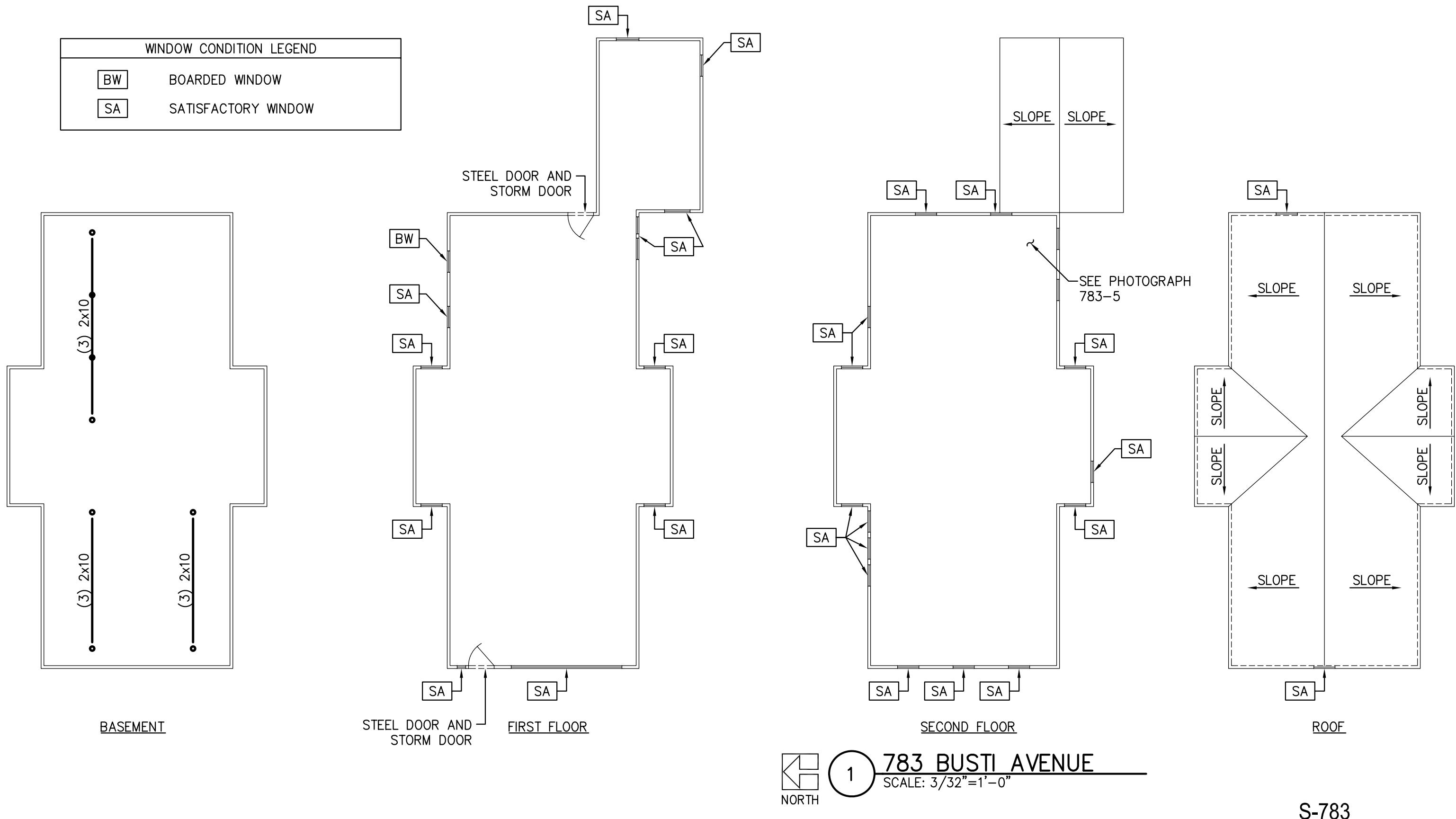
Exterior Doors and Windows

The exterior doors and windows were visually inspected for weather tightness. The condition of all the windows is shown in Drawing S-783.

Foundation Walls and Floor Joists

The foundation walls are solid stone with mortar and are in satisfactory condition. There are no structural defects visible. The first floor framing system is rough sawn 2x12 floor joists spaced at 16 inches on center and support a 1 inch by 4 inch wood planking subfloor. The floor joists span from the exterior foundation walls to an interior 8 inch tall by 8 inch wide timber center support beam. The center support beams are then supported by both 12x12 inch masonry piers and by the east and west end foundation walls.

In the western 1/3 of the building, the floor joists are supported by additional 2x10's bearing on lally columns. There is one triple 2x10 support beam located 5'-8" from the north wall and another triple 2x10 support beam located 4'-4" from the south wall. Both beams cut the first floor joists clear span in half. Similarly, in the eastern 1/3 of the building, the floor joists are supported by one triple 2x10 beam that bears on lally columns. This beam is also located 5'-8" from the north wall. The floor joists and subfloor are in good condition with no structural defects visible. Photographs 783-5 and 783-6 below show the additional triple 2x10 beams placed under the first story floor joists.


PEACE BRIDGE AUTHORITY HOME INSPECTIONS

783 Busti Avenue, Buffalo NY 14213

Date: 01-08-2008 Project No.: 19554
 Scale: AS NOTED Reference No.: N/A



Photograph 783-5: Triple 2x10 support beam located off of the north wall



Photograph 783-6: Triple 2x10 support beam located off of the south wall

Miscellaneous Items

The exterior siding is vinyl siding on all faces of the building. There are no visible deficiencies as shown in photographs 783-1 through 783-4.

There is a deck off the eastern end of the building. This deck provides egress to the structure from the east and is in good condition.

Recommendations

The overall structural assessment of this building is that it is in satisfactory condition. The missing shingle tabs on the roof should be replaced to prevent any water from leaking into the interior space that could deteriorate the structure below.

791 Busti Avenue:

Background

This building was built in 1900 and is a 2-story multi-family dwelling with a 1-story addition on the eastern end of the main structure. Shown in Photographs 791-1 through 791-3 below are elevation views of the building and addition.



Photograph 791-1: West Elevation



Photograph 791-2: East Elevation



Photograph 791-3: South Elevation

*Note: North elevation was not photographed due to the close proximity of 793 Busti Avenue.

Roof System

This building has a gable roof oriented east-to-west over the main structure and the 1-story addition. The roofing material on the two roofs are three tab asphalt shingles. The shingles on the main roof of the building are in good condition with no deficiencies. The shingles on the roof over the 1-story eastern portion of the building are in poor condition. There are several areas of cracked and deteriorated shingle tabs as shown in photographs 791-4 and 791-5 below.



Photograph 791-4: South roof section at the eastern end of the building.



Photograph 791-5: North roof section at the eastern end of the building.

Attic and Ceiling Joists

The attic areaway was visible because of missing ceiling drywall as shown in photograph 791-5 below. There is new Oriented Strand Board (OSB) roof sheathing and new 2x6 rafters spaced at 16 inches on center. The center load bearing stud wall in the attic is either missing or was removed, as shown in photograph 791-6 below, causing the ceiling joists to sag from the long clear span. Visible in the attic areaway is a chimney which appears to be new and is in good condition.



Photograph 791-6: Exposed Attic Ceiling joists



Photograph 791-7: Missing center load bearing wall and sagging ceiling joists

Interior Walls, Ceilings, and Floor Finish

The first floor interior space is constructed of rough sawn 2x4 stud walls covered with a combination of drywall or lath and plaster wall and ceiling finishes. Both the drywall and plaster finishes in this space are in good condition. There are no visible signs of water leaking into this space. The finished floor has been removed throughout the entire first floor revealing the subfloor, which is in good condition.

Exterior Doors and Windows

The exterior doors and windows were visually inspected for weather tightness. The condition of all the windows is shown in Drawing S-791.

Foundation Walls and Floor Joists

The foundation walls are constructed of stone with mortar and are parged on the inside with cement. Several notable areas of the foundation walls have spalling cement and sediment is covering much of the concrete floor.

The first floor framing system is a combination of rough sawn 2x10 floor joists at 16 inches on center in the front 2/3 of the building and 2x12 joists at 16 inches on center in the rear 1/3 of the building. The floor joists span from the exterior foundation walls to interior 8 inch tall by 6 inch wide timber support beams. The center timber support beams are then supported by both 12x12 inch masonry piers, masonry walls, and by the east and west end foundation walls. The floor joists support a 1 inch by 4 inch wood planking subfloor topped with $\frac{3}{4}$ inch plywood. The floor joists and subfloor are in good condition with no major visible structural defects.

Miscellaneous Items

The 1-story addition at the east end of the building is 2x4 stud construction with no basement. This area is covered with drywall ceiling and wall finishes and a carpeted floor. There are no visible signs of water leaking into this space.

The exterior of the building consists of vinyl siding on all sides of the building with minor damage on the south wall as shown in photographs 791-8 and 791-9 below.

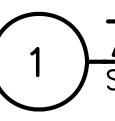
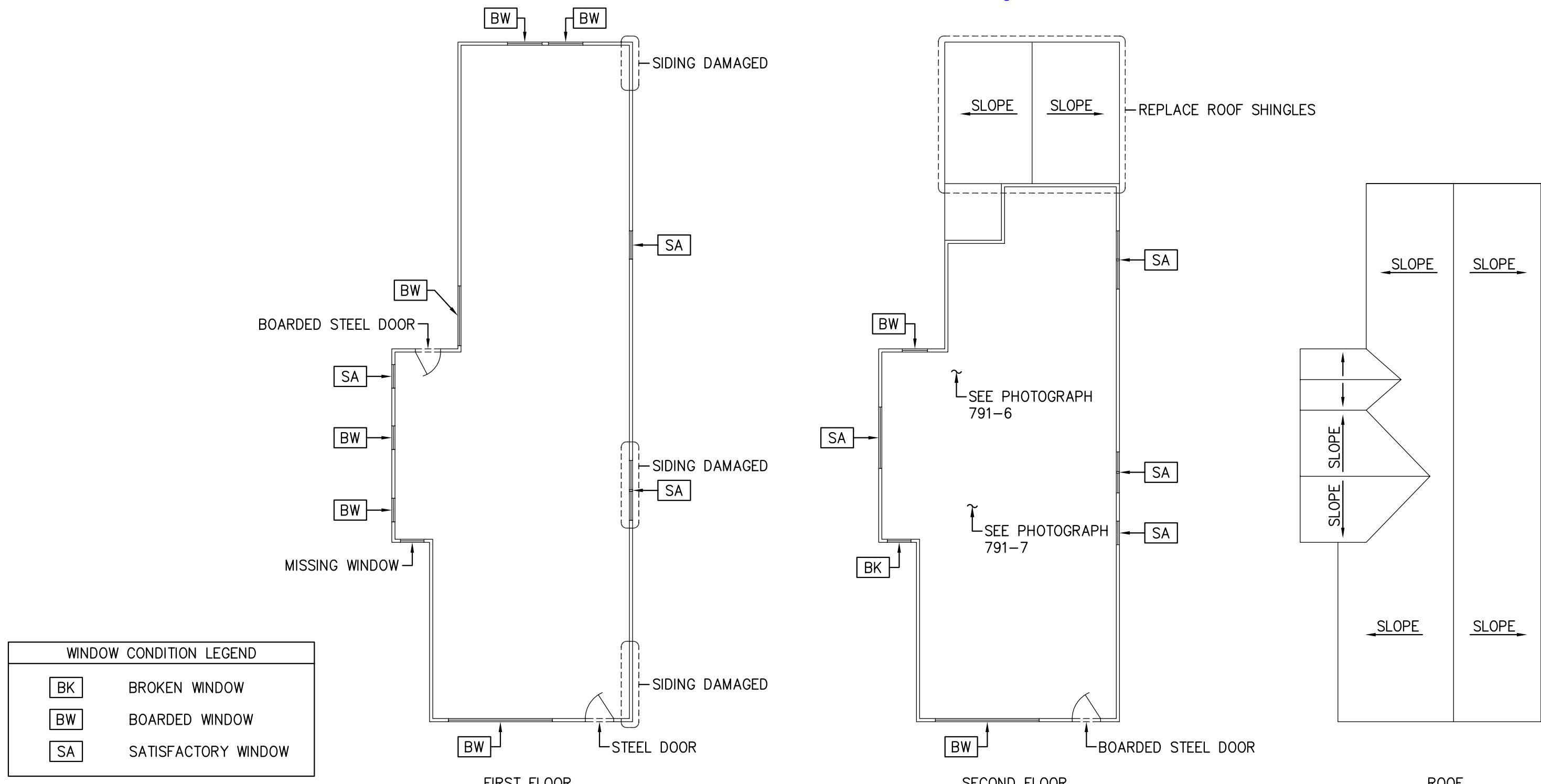


Photograph 791-8: Siding on the south face of the building



Photograph 791-9: Siding on the south face of the building

There is a front porch used to access the main entry way to the building. The deck of the porch is in good condition. The base of each column supporting the front covered porch has begun to rot and therefore will



791 BUSTI AVENUE

SCALE: 3/32"=1'-0"

NORTH

S-791

PEACE BRIDGE AUTHORITY HOME INSPECTIONS

791 Busti Avenue, Buffalo NY 14213

Date: 01-08-2008 Project No.: 19554
Scale: AS NOTED Reference No.: N/A

CHA
CLOUGH HARBOUR & ASSOCIATES LLP

PBA000033

start to compromise the load carrying capacity of each column. There is access from the second story to the top deck of the porch; however, it was not accessible and therefore a condition assessment of top decking was not performed.

Recommendations

The overall structural assessment of this building is that it is in stable condition. The roofing over the eastern 1 story portion of the building should be replaced to prevent water from leaking into the interior space and deteriorate the structure.

The attic ceiling joists should be shored to prevent further sagging and avoid collapse of the joists or roof. To keep the foundation stable, all basement openings should be resealed to minimize any further water infiltration into the basement. The basement walls should be re-pointed with mortar to prevent any future foundation wall failure. All broken windows should be boarded up to prevent further moisture infiltration into the interior building space.

793 Busti Avenue:

Background

This building is a 3,000 square foot multi-family dwelling built in 1900. The main structure is 2-story with a covered porch having available second story access. Shown in Photographs 793-1 through 793-3 below are elevation views of the building.



Photograph 793-1: West Elevation



Photograph 793-2: East Elevation



Photograph 793-3: North Elevation

*Note: South elevation was not photographed due to the close proximity of 791 Busti Avenue.

Roof System

This building has a gable roof oriented east-to-west, a gabled roof section oriented north-to-south and a half hip roof section over the eastern end of the building. The roofing over the entire structure consists of three tab asphalt shingles. The shingles are in poor condition with several noticeable areas of cracked and deteriorated tabs. There are also several areas where shingles are missing on the north and south sides of the main building as shown in photographs 793-4 through 793-8 below. On the eastern end of the property is a detached 3-bay garage with a modified hip roof as shown in photographs 793-9 and 793-10. The roof of the garage is in good condition with no visible signs of shingle deterioration.



Photograph 793-4: South face of main roof at eastern end of the building



Photograph 793-5: South face main of roof at base of the chimney



Photograph 793-6: South face of main roof at western end of the building



Photograph 793-7: South face of the half hip section at the eastern end of the building



Photograph 793-8: North side of roof at valley



Photograph 793-9: South and east face garage roof



Photograph 793-10: North face of garage roof

Attic and Ceiling Joists

Approximately one third of the attic areaway is finished with drywall and carpeting. The wall and ceiling finishes are in good condition with no signs of water leaking into the finished space. On the northern side of the roof is a functional skylight that is in good condition. There are no signs of water leaking at or around the skylight opening.

There are three chimneys in this building. There are no signs of water leaking into the attic areaway around each chimney; however, the brick and mortar of all three chimneys easily crumble when scoured. Loose or missing brick and mortar is noticeable on the exterior of each chimney as shown in previous photographs 793-5 and 793-8.

Exposed to view in the unfinished portion of the attic areaway are rough sawn 2x6 roof rafters placed every 24 inches on center which support wood planking and a cedar shake roof sheathing. There are no visible signs of leaking water into this space.

The second story ceiling joists are rough sawn 2x6's placed every 16 inches on center. The ceiling joists in the attic area are topped with 1 inch by 4 inch tongue and groove wood planking. The ceiling joists and attic floor are in good condition and there are no visible signs of water leaking into the space below.

Interior Walls, Ceilings, and Floor Finish

The first floor interior space is constructed of rough sawn 2x4 stud walls covered with a lath and plaster wall and ceiling finish. The plaster has cracked and peeling paint is noticeable on both the walls and the ceilings throughout the entire first floor area as shown in photograph 793-11. Several areas of the ceiling throughout the back portion of the building, including approximately half of the kitchen, have completely fallen down with noticeable water damage to the ceiling. Many of the finished floor boards in this space have buckled and the entire floor is sloped towards the center main bearing wall as shown in photograph 793-12.



Photograph 793-11: Peeling paint



Photograph 793-12: Buckled floor boards

The second floor interior space is constructed of rough sawn 2x4 stud walls covered with a lath and plaster wall and ceiling finish. The wall and ceilings are in good condition with no visible signs of water damage. Many of the finished floor boards in this space have buckled and the entire floor is sloped towards the center main bearing wall.

Exterior Doors and Windows

The exterior doors and windows were visually inspected for weather tightness. The condition of all the windows is shown in Drawing S-793.

Foundation Walls and Floor Joists

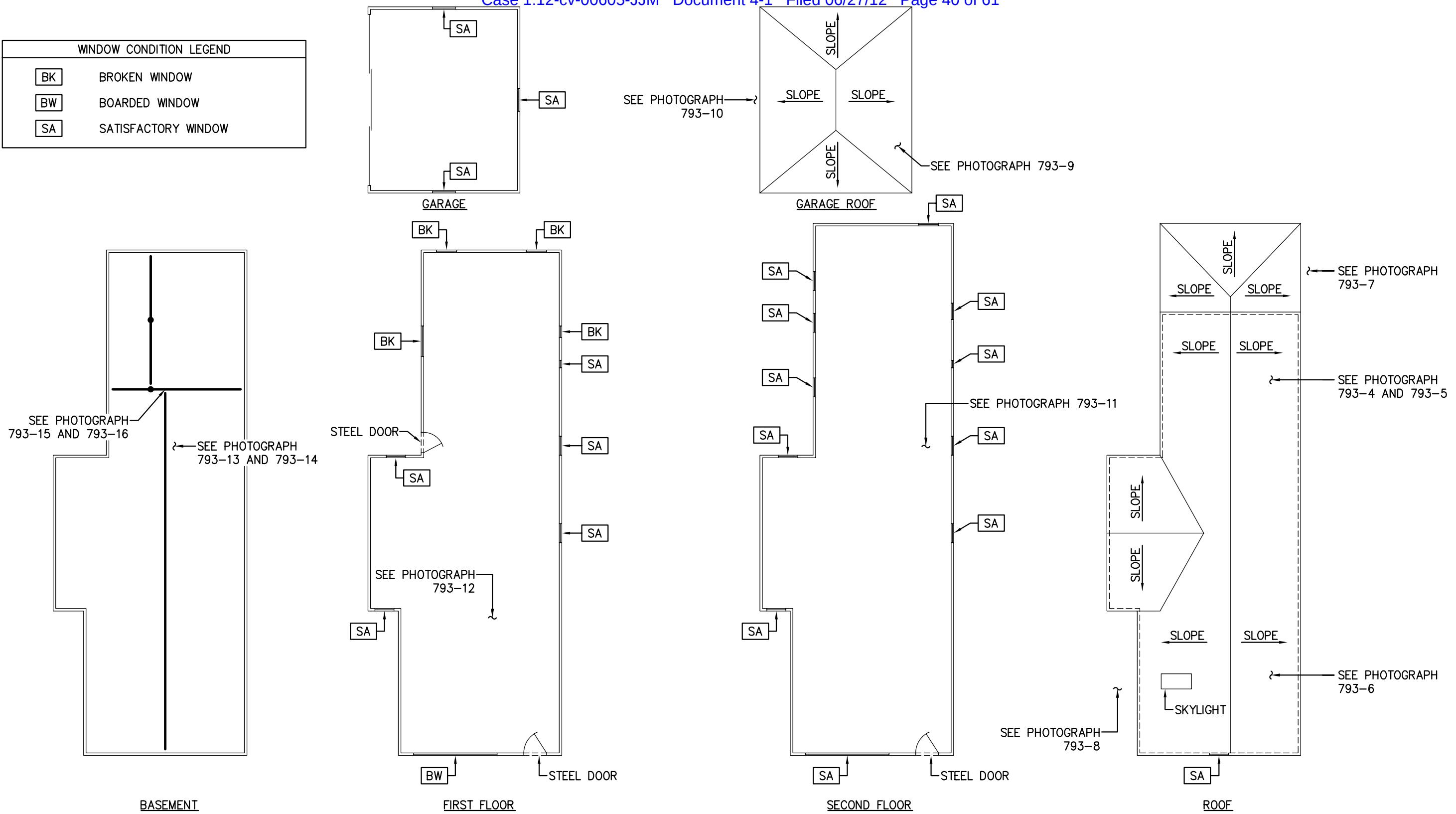
The foundation walls are constructed of stone with mortar and are parged on the inside with cement. There are several notable areas where the cement has spalled and sediment is covering much of the concrete floor.

Rough sawn 2x10 floor joists at 16 inches on center support a 1 inch by 4 inch wood planking subfloor. The floor joists span from the exterior foundation walls to interior 8 inch tall by 6 inch wide timber support beams. The floor joists and subfloor are in good condition with no visible structural defects.

The center timber support beams are supported by 12x12 inch masonry piers and by the east and west end foundation walls. Approximately 20 ft from the western foundation wall, the a section of the center support beam has a noticeable 1½ inch thick by 4½ foot long notch from the bottom and a 2 inch thick by 14 inch long notch from the top missing from the beam. Photographs 793-13 and 793-14 display the top and bottom notch removed from the center beam.

At approximately 18 ft from the west wall, a bearing wall or column that supported the center support beam has been removed, replaced with a single 2x4 stud, and is consequently supporting approximately 125 ft² of floor area above. Photograph 793-15 and 793-16 below displays the 2x4 stud supporting the center support beam. As a result, the load carrying capacity and resistance to permanent deformation has been altered resulting in the supported 3 floors above to sag and pitch towards the center bearing wall of the building.

WINDOW CONDITION LEGEND	
BK	BROKEN WINDOW
BW	BOARDED WINDOW
SA	SATISFACTORY WINDOW



S-793

PEACE BRIDGE AUTHORITY HOME INSPECTIONS

793 Busti Avenue, Buffalo NY 14213

Date: 01-08-2008 Project No.: 19554

Scale: AS NOTED Reference No.: N/A



Photograph 793-13: Notched center support beam



Photograph 793-14: Close up view of notched center support beam



Photograph 793-15: Single 2x4 stud at the center support beam



Photographs 793-16: Single 2x4 stud at the base

Miscellaneous Items

The exterior siding consists of weathered cedar clapboards with visible signs of wear and deterioration. Several areas of the siding are missing and the exterior sheathing visible. Photographs 793-17, 793-18 and photographs 793-1 through 793-3 show the areas of siding that is weathered, deteriorated, or missing.



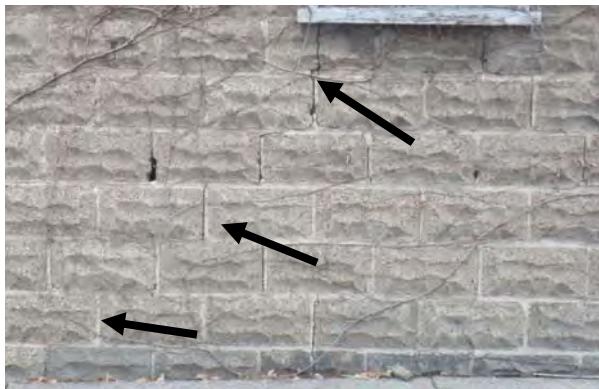
Photograph 793-17: Missing siding and exposed sheathing on south face of the building



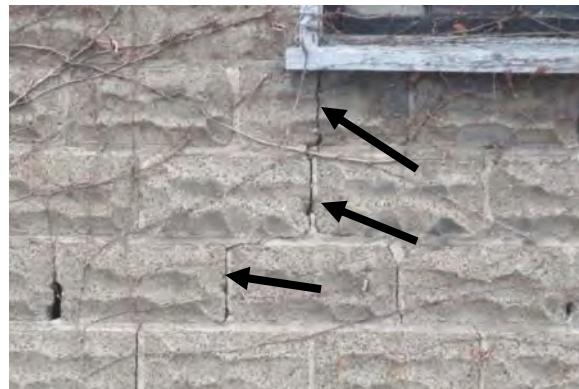
Photograph 793-18: Siding on the north face of the building

There is a front porch used to access the main entry to the building. The deck of the porch is covered with plywood and has begun to rot. It is assumed the decking beneath the plywood topping is also rotted. The base of each column supporting the front covered porch has completely rotted and is therefore compromising the load carrying capacity of each column. There is access from the second story to the top deck of the porch; however, the top decking could not be safely accessed for inspection based on the condition of the support base.

There is a detached 15 foot by 36 foot garage at the rear of the property. The roof is constructed with 2x6 rafters and collar ties spaced at 24 inches on center to support a plywood roof deck. The roof system bears on masonry bearing walls. The garage is in good condition with minor cracking in the masonry due to differential settlement as shown in photographs 793-19 and 793-20 below. Although there are cracks visible in the exterior bearing walls, the garage appears to be stable.



Photograph 793-19: Settlement crack in the masonry wall of the garage



Photograph 793-20: A closer view of the settlement crack in the masonry wall of the garage

There is a portion of the south wall of the garage that is missing and boarded up with plywood. The adjacent masonry block is not cracked and the wall appears properly shored and in good condition. Photographs 793-19 and 793-20 show the north and south face of the garage respectively.



Photograph 793-19: North side of the garage



Photograph 793-20: South side of the garage

Recommendations

The overall structural assessment of the main building is unsatisfactory and the building should be demolished. A single 2x4 is not an acceptable support for a center support beam. Further analysis for properly shoring the center support beam would be required if the intent is to avoid building collapse.

If the building is properly shored, the roof over the entire structure should still be replaced to prevent water from leaking into the interior space and further deteriorating the structure. The plaster ceiling should be completely removed or replaced to prevent any future damage to the interior space.

To keep the foundation in a stable state, all basement openings should be resealed to minimize any further water infiltration into the basement and the basement walls should be re-pointed with mortar, where necessary, to prevent any foundation wall failure. The center support timber should be properly shored at the location of the single supporting 2x4 stud to prevent further deformation of the building.

The decking to the covered entrance porch should be replaced to prevent fall through. The base of each column supporting the front covered porch should be shored to prevent future roof collapse. The chimneys should be re-pointed to restore the loose or missing brick and to prevent future collapse of the chimney. All broken windows should be boarded up to prevent further moisture infiltration into the interior building space.

The garage is in satisfactory condition; however, if the main structure on this property requires demolition, then the garage should also be demolished.

Conclusions

The opinions and recommendations contained in this report are based on the information provided by the owner and field investigations performed as part of this project. This report does not address any other portion of the structures inspected other than those areas mentioned, nor does it provide any warranty, either expressed or implied, for any portion of the existing structures.

If you have any questions or would like to discuss the project, please do not hesitate to contact me at (518) 453-4580 or Jason Powell at (716) 847-6310 ext. 230.

Very truly yours,



Daniel J. DeGennaro, P.E
Structural Operations Manager.

CC: Jason Powell, CHA

K:\19554\Reports\Busti Ave Structural Inspections Final.doc



THE PEACE BRIDGE
CROSSING PATHS  BUILDING FUTURES

February 27, 2012

City of Buffalo

Attn: James Comerford, Jr., Deputy Commissioner
Department of Economic Development, Permit & Inspection Services
65 Niagara Square
Buffalo, NY 14202

Dear Mr. Comerford:

RE: *BUSTI AVENUE PROPERTIES*

The Buffalo and Fort Erie Public Bridge Authority (PBA) has begun the process to demolish the seven PBA-owned houses on Busti Avenue between Vermont Avenue and Rhode Island. However, prior to proceeding with demolition the PBA is providing the opportunity to interested groups and individuals to have the houses free of charge subject to paying all relocation costs.

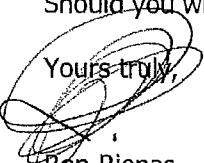
The City of Buffalo has previously expressed a specific interest in 771 Busti Avenue. The purpose of this letter is to offer the house to the City. Should the City be interested in relocating this structure please submit a proposal by no later than 3:00 PM on Thursday, April 26.

The proposal must include the following:

- Acknowledgement that the City is responsible for all costs associated with the relocation.
- Agreement to indemnify and hold harmless the PBA.
- An insurance policy, adding the PBA as an additional insured and providing \$5 million in liability coverage.
- Assuming responsibility for all permits and approvals that may be required.
- Commitment to have the house removed from the property by no later than June 29, 2012.
- \$10,000 refundable performance deposit. (Will be returned upon the successful removal of the house and reinstatement of the property to a level condition.)

As you are aware, this house has structural issues that were documented in a structural analysis completed by CHA three years ago. A copy is attached for your information.

Should you wish to inspect the building or have any questions please do not hesitate to contact me.


Yours truly,

Ron Rienas
General Manager

RR/kak
cc: Mayor Brown
Common Council President Fontana



BUFFALO AND FORT ERIE PUBLIC BRIDGE AUTHORITY
100 QUEEN STREET, FORT ERIE, ON L2A 3S6 • 1 PEACE BRIDGE PLAZA, BUFFALO, NY 14213-2494
PHONE (905) 871-1608/(716) 884-6744 • FAX (905) 871-9940/(716) 884-2089
www.peacebridge.com

PBA000044



February 27, 2012

Tom Yots, Executive Director
Preservation Buffalo Niagara
Suite M108
617 Main Street
Buffalo, NY 14203

Dear Mr. Yots:

RE: BUSTI AVENUE PROPERTIES

The Buffalo and Fort Erie Public Bridge Authority (PBA) has begun the process to demolish the seven PBA-owned houses on Busti Avenue between Vermont Avenue and Rhode Island. However, prior to proceeding with demolition the PBA is providing the opportunity to interested groups and individuals to have the houses free of charge subject to paying all relocation costs.

Should you be interested in relocating a structure(s) please submit a proposal by no later than 3:00 PM on Thursday, April 26.

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- \$10,000 refundable performance deposit for each structure. (Will be returned upon the successful removal of the house(s) and reinstatement of the property to a level condition.)

Attached is the "Structural Condition Inspection and Site Analysis" of 757, 765, 771, 777, 783, 791, and 793 Busti Avenue as of March 26, 2009. The PBA makes no representations as to the current condition of the structures and notes all are being offered "as is."

Subject to signing a liability waiver and the presence of a PBA employee, I can arrange for limited viewing access to the structure(s) you may be interested in.

If you have any questions, please do not hesitate to contact me at (716) 884-8748.

Yours truly,

Matthew Davison

Director, Communications & Government Relations

BUFFALO AND FORT ERIE PUBLIC BRIDGE AUTHORITY

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THE PEACE BRIDGE
CROSSING PATHS  BUILDING FUTURES

February 27, 2012

Aaron Bartley
PUSH Buffalo
271 Grant Street
Buffalo, NY 14213

Dear Mr. Bartley:

RE: *BUSTI AVENUE PROPERTIES*

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Yours truly,

Matthew Davison
Director, Communications & Government Relations 

/kak

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PBA000046



THE PEACE BRIDGE
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February 27, 2012

Anthony Armstrong
Buffalo LISC
Suite 604
70 West Chippewa Street
Buffalo, NY 14202

Dear Mr. Armstrong:

RE: *BUSTI AVENUE PROPERTIES*

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Yours truly,

Matthew Davison
Director, Communications & Government Relations 

/kak

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THE PEACE BRIDGE
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February 27, 2012

Stephanie Simeon
Heart of the City Neighborhoods, Inc.
Suite A
251 Virginia Street
Buffalo, NY 14201

Dear Ms. Simeon:

RE: BUSTI AVENUE PROPERTIES

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Yours truly,

Matthew Davison
Director, Communications & Government Relations 

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PBA000048



February 27, 2012

Tim Tielman, Executive Director
Campaign for Greater Buffalo
561 Forest Avenue
Buffalo, NY 14222

Dear Mr. Tielman:

RE: BUSTI AVENUE PROPERTIES

The Buffalo and Fort Erie Public Bridge Authority (PBA) has begun the process to demolish the seven PBA-owned houses on Busti Avenue between Vermont Avenue and Rhode Island. However, prior to proceeding with demolition the PBA is providing the opportunity to interested groups and individuals to have the houses free of charge subject to paying all relocation costs.

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Yours truly,

Matthew Davison
Director, Communications & Government Relations

/kak

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Tim - Let's talk when you
get this.

-Matt

PBA000049



THE PEACE BRIDGE
CROSSING PATHS  BUILDING FUTURES

February 27, 2012

Harvey Garrett, Executive Director
West Side Community Collaborative
414 Richmond Avenue
Buffalo, NY 14222

RE: *BUSTI AVENUE PROPERTIES*

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If you have any questions, please do not hesitate to contact me at (716) 884-8748.

Yours truly,



Matthew Davison
Director, Communications & Government Relations

/kak

*Harvey - Let's talk when
you get this.*

-MAB



FOR IMMEDIATE RELEASE:

For further information contact:

March 21, 2012

Matt Davison, Director of Communications
905.994.3677 or 716.884.8748
mnd@peacebridge.com

*****OFFICIAL PUBLIC NOTICE*****

Public Information Session Scheduled at Niagara Branch Library

What: The Buffalo and Fort Erie Public Bridge Authority (PBA) will hold a public information session regarding plans to demolish seven PBA-owned vacant homes on Busti Avenue between Vermont Avenue and Rhode Island Street, in the City of Buffalo. At this session, details will also be available on the Authority's **commitment to providing interested groups** or individuals with an opportunity to acquire and relocate these houses free of charge, subject to paying all removal costs.

When: Wednesday, April 4, 2012 from 2:00 p.m.–7:00 p.m.

Where: Niagara Branch Library
280 Porter Avenue
Buffalo, New York 14201
Public Meeting Room (Basement Level)

To view the original relocation opportunity notice, please [click here](#) or visit www.peacebridge.com

###

Buffalo and Fort Erie Public Bridge Authority

1 Peace Bridge Plaza, Buffalo, NY 14213-2494
100 Queen Street, Fort Erie, ON L2A 3S6
Phone: 905-871-1608 or 716-884-6744 Fax: 716-884-2089 or 905-871-9940
<http://www.peacebridge.com/>

- Facebook: [/PeaceBridge](#) Twitter: [@PeaceBridgeAuth](#)
- YouTube: [/PeaceBridgeAuthority](#) LinkedIn: [PeaceBridgeAuthority](#)
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www.peacebridge.com – March 21, 2012

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Wednesday, 21 March 2012

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CROSSING PATHS ★ BUILDING FUTURES

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PeaceBridgeAuth

PeaceBridgeAuth PBA is holding an info session on April 4th regarding plans to demo several vacant structures on Busti Ave. More here: bit.ly/GH39Kd

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Public Notice Regarding Upcoming Information Session

March 21, 2012

BUFFALO, NY/FORT ERIE, ON – The Buffalo and Fort Erie Public Bridge Authority (PBA) will hold a public information session regarding plans to demolish seven PBA-owned vacant homes on Busti Avenue between Vermont Avenue and Rhode Island Street, in the City of Buffalo. At this session, details will also be available on the Authority's commitment to providing interested groups or individuals with an opportunity to acquire and relocate these houses free of charge, subject to paying all removal costs.

More details are available below:

Public Information Session Scheduled at Niagara Branch Library

When: Wednesday, April 4, 2012 from 2:00 p.m.–7:00 p.m.

Where: Niagara Branch Library, 280 Porter Avenue, Buffalo, New York 14201, Public Meeting Room (Basement Level)

To view the original relocation opportunity notice, please [click here](#).

To download a copy of the public notice, [click here](#).



###

PBA000052

Facebook – March 21, 2012

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Coming Soon: New Facebook Pages
On 30 March 2012, all Facebook Pages will get a new design. Preview your page now to see what it looks like and try out the new features.

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Peace Bridge Authority
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Write something...

Peace Bridge Authority
PBA is holding an info session on April 4th regarding plans to demo several vacant structures on Busti Ave. More here: <http://bit.ly/GHJ9Kd>

 [Public Notice Regarding Upcoming Information Session at Niagara Branch...](#)
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Buffalo and Fort Erie Public Bridge Authority

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PBA000053

Public Information Session Materials

April 4, 2012

BUFFALO, NY/FORT ERIE, ON – Today The Buffalo and Fort Erie Public Bridge Authority (PBA) is holding a public information session regarding plans to demolish seven PBA-owned vacant homes on Busti Avenue between Vermont Avenue and Rhode Island Street, in the City of Buffalo. For those not able to attend the session, various materials are now available below for your reference.

Public Information Session Scheduled at Niagara Branch Library

When: Wednesday, April 4, 2012 from 2:00 p.m.–7:00 p.m.

Where: Niagara Branch Library, 280 Porter Avenue, Buffalo, New York 14201, Public Meeting Room (Basement Level)

To view the original relocation opportunity notice, please [click here](#).

To download a copy of the session public notice, [click here](#).

To download the structural inspection report, [click here \(part 1\)](#) & [here \(part 2\)](#).

To download a copy of the info boards presented at the session, [click here](#).

To submit a comment for the archive e-mail comments@peacebridge.com .



###

Public Information Session

Niagara Branch Public Library

**April 4, 2012
2pm-7pm**

**Visit our website
to learn more!**



www.peacebridge.com/infosession

Welcome

Today's informational session is an opportunity for interested neighbors and community residents to learn more about the Public Bridge Authority's plans to move forward with the demolition of seven vacant structures located on Busti Avenue in the City of Buffalo.

All of these structures are currently owned by the Authority and were purchased with the eventual intent of removal.

Throughout the room are several boards and tables that provide additional details on the various components of the proposed demolition process, including:

- The specific structures to be removed.
- The rationale for demolition.
- Related environmental considerations and mitigation.
- Structure acquisition and relocation opportunities.
- Historical archiving & potential materials re-use options.
- Post-removal site restoration and landscaping concepts.

Thank you very much for your attendance.



CROSSING PATHS  BUILDING FUTURES
THE PEACE BRIDGE

What you need to know...
Comments may be submitted for the record at table #4

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Overview

In the mid-1990's several properties were purchased by the Public Bridge Authority with the intent to remove the related housing structures to establish additional buffering between the Peace Bridge U.S. Customs plaza area and also make way for the proposed Capacity Expansion Project.

Under the Capacity Expansion Project's required environmental review, no action could be taken to demolish these structures until the process reached a final conclusion through implementation or termination.

In January 2012, the U.S. federal government (after 10+ years of study) announced that the environmental review would be terminated as the Capacity Expansion Project—which was designed to meet certain federal requirements—was not attainable due to a lack of funding availability and concerns about the environmental impacts of a greatly expanded U.S. Customs plaza.

As a result of neighborhood and City concerns about the properties, the Public Bridge Authority is now able to take action on past plans to remove the Busti Avenue structures.

What you need to know...
The structures to be removed are 757, 765, 771, 777, 783, 791, & 793 Busti Avenue



Aerial Photo



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